

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DWAYNE JACKSON,	:	
Plaintiff,	:	Case No. 19-cv-2880-JDW
	:	
v.	:	
	:	
CATHY M. TALNODGE, et al.	:	
Defendants.	:	

ORDER

AND NOW, this 6th day of September, 2019, upon consideration of Plaintiff Dwayne Jackson's Motion to Proceed *In Forma Pauperis* (ECF No. 4), his prison trust account statement (ECF No. 5), and his *pro se* Amended Complaint (ECF No. 6), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915;
2. Plaintiff shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court hereby directs the Warden of P.I.C.C. or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Jackson's inmate account; or (b) the average monthly balance in Jackson's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Jackson's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Jackson's inmate account until the fees are paid. Each payment shall reference the docket number for this case;

3. The Clerk of Court is directed to **SEND** a copy of this order to the Warden of P.I.C.C.;

4. The Amended Complaint is **DEEMED** filed;

5. For the reasons stated in the accompanying Memorandum, all claims in the Amended Complaint against Defendants Cathy M. Talnodge and Captain Love are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);

6. Jackson is **GRANTED** leave to file a second amended complaint within thirty (30) days of the date of this Order. Any second amended complaint must be a complete document and may not incorporate Jackson's original or Amended Complaint by reference. Each Defendant must be named in the caption and in the body of the second amended complaint and Jackson should state in detail how each Defendant acted to violate his rights. When drafting his amended complaint, Jackson should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED** by the Court; and

6. The Clerk of Court shall send Jackson a blank copy of the Court's form complaint to be used by a prisoner filing a civil rights action bearing the above civil action number. Jackson may use this form to file his second amended complaint if he chooses to do so. If Jackson chooses not to file a second amended complaint, his Amended Complaint will be ordered served on Defendants Creamer and Taylor only. Jackson may also notify the Court that he seeks to proceed on his current pleading rather than file a second amended complaint. If he files such a notice, Jackson is reminded to include the case number for this case, 19-2880.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.